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CLERK US DISTRICT COURT  
DISTRICT OF NEVADA

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

ADELE SOLOMON,

Case No.: 2:14-CV-01680

Plaintiff,

v.

CLARK COUNTY,

**JURY TRIAL DEMANDED**

Defendant.

COMES NOW Plaintiff Adele Solomon, by and through undersigned counsel Adam Levine, Esq. of the Law Office of Daniel Marks and for her Causes of Action against Defendant Clark County alleges follows:

1. At all times material hereto Plaintiff was a resident of Clark County, Nevada.
2. At all times material hereto Defendant Clark County was a political subdivision of the State of Nevada and an employer within the meaning of 29 U.S.C. §203(d).
3. The United States District Court has jurisdiction pursuant to 28 U.S.C. §1331 as this action is brought pursuant to the Fair Labor Standards Act, 29 U.S.C. §201 et seq. (hereafter "FLSA").
4. At all times material hereto Plaintiff was employed by Defendant Clark County as an Infection Control Nurse. Because Plaintiff was paid solely on an hourly basis for work performed, she does not fall under the learned professional exemption under the FLSA.

1           5.       When Clark County Fire Department Personnel are exposed to a potentially infectious  
2 agent, Plaintiff would be contacted to ensure that the proper infection control protocols were followed.  
3 Following the departure of the employee who shared these duties with Plaintiff, the sole responsibility  
4 for being the designated contact in such circumstances was with Plaintiff.

5           6.       Plaintiff's responsibilities as the Infection Control Nurse required her to be available 24  
6 hours a day, 7 days a week due to Clark County's failure to hire another individual to share these  
7 responsibilities with Plaintiff. Plaintiff had to remain in cellular phone contact availability at all times  
8 after working for regular eight-hour shift, could not travel in areas where there was no coverage, and  
9 when she travel by airplane was required to arrange for alternative coverage during the periods she was  
10 in the air and unavailable.

11           7.       Clark County agreed by contract with Plaintiff's exclusive bargaining representative  
12 that the time spent by Plaintiff on standby, as well as times that she was contacted and required to  
13 coordinate a response to an potential infectious incident after working a regular eight-hour shift,  
14 constituted work for the benefit of the employer. Clark County agreed to pay one quarter hour of the  
15 regular hourly wage for every hour on standby that Plaintiff was not contacted, and one and one half  
16 times the regular hourly rate for all time that she was actually contacted to respond to a potential  
17 infectious incident.

18           8.       Clark County failed to pay Plaintiff for any of the time that spent working for the  
19 benefit of Clark County after her eight-hour shifts. In 2011 Plaintiff had 6,737.25 hours of  
20 uncompensated standby work and 94.25 hours of actual after-hours calls. In 2012 Plaintiff had 6,840.5  
21 hours of uncompensated standby work and 89.25 hours of after-hours calls. In 2013 Plaintiff had  
22 6,949.75 hours of uncompensated standby work and 124.5 hours of after-hours calls. There are  
23 additional hours of uncompensated standby work and after-hours calls for 2014 prior to Clark County  
24 acknowledging its failure to appropriately compensate Plaintiff.

9. The actions of Clark County as set forth above violate the FLSA.

10. Clark County's violation of the FLSA was willful so as to warrant damages being imposed for the past three (3) years as well as for the imposition of an equal amount as liquidated damages.

11. Plaintiff is entitled to an award of her attorney fees and litigation costs incurred.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For all damages at one and one half times her hourly rate for all uncompensated work for the benefit of Defendant;
2. For an equal amount as liquidated damages;
3. For attorney's fees and litigation costs incurred; and
4. For such other and further relief as the court deems just and equitable and/or proper.

DATED this 13<sup>th</sup> day of October, 2014

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